

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|--|---|--|
| Applicant's or agent's file reference F3252 (C)/rkk | FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. | |
| International application No. PCT/EP 00/08730 | International filing date (day/month/year) 07/09/2000 | (Earliest) Priority Date (day/month/year) 13/09/1999 |
| Applicant UNILEVER PLC et al. | | |
| <p>This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.</p> <p>This International Search Report consists of a total of 03 sheets. <input checked="" type="checkbox"/> It is also accompanied by a copy of each prior art document cited in this report.</p> | | |
| <p>1. Basis of the report</p> <p>a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> the International search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).</p> <p>b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing :</p> <p><input type="checkbox"/> contained in the international application in written form.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority in written form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority in computer readable form.</p> <p><input type="checkbox"/> the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.</p> <p><input type="checkbox"/> the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished</p> <p>2. <input type="checkbox"/> Certain claims were found unsearchable (See Box I).</p> <p>3. <input type="checkbox"/> Unity of invention is lacking (see Box II).</p> <p>4. With regard to the title,</p> <p><input checked="" type="checkbox"/> the text is approved as submitted by the applicant.</p> <p><input type="checkbox"/> the text has been established by this Authority to read as follows:</p> <p>5. With regard to the abstract,</p> <p><input checked="" type="checkbox"/> the text is approved as submitted by the applicant.</p> <p><input type="checkbox"/> the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.</p> <p>6. The figure of the drawings to be published with the abstract is Figure No. 2 <input type="checkbox"/> as suggested by the applicant <input checked="" type="checkbox"/> because the applicant failed to suggest a figure. <input type="checkbox"/> because this figure better characterizes the invention.</p> <p><input type="checkbox"/> None of the figures.</p> | | |

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP 00/08730

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A23G3/28 B65D83/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A23G B65D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|----------|--|-----------------------|
| X | WO 96 33928 A (ZEELAND GREGORY RUSSELL VAN; KELLY DAMIAN ANTHONY (AU)) 31 October 1996 (1996-10-31) abstract; figures 1,2,4 | 1,3,4 |
| Y | | 6,7,9, 10,12,14 |
| A | | 2,5 |
| A | US 5 918 767 A (MCGILL SHANE ROBERT) 6 July 1999 (1999-07-06) abstract; figure 1 | 1 |
| Y | | 6,7,9, 10,12,14 |
| A | US 5 375 740 A (UMETSU NAOSHI ET AL) 27 December 1994 (1994-12-27) abstract; figures 1,2 | 1,2,4,6, 9,10,14 |
| | --- | -/- |

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

5 January 2001

Date of mailing of the International search report

16/01/2001

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentbaan 2
NL - 2280 HV Rijswijk
Tel (+31-70) 340-2040, Tx. 31 651 epo nl.
Fax: (+31-70) 340-3016

Authorized officer

Martin, A

INTERNATIONAL SEARCH REPORT

| |
|---|
| International Application No PCT/EP 00/08730 |
|---|

| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT | | |
|--|--|----------------------------|
| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
| A | US 2 889 949 A (M. NIRENBERG) 9 June 1959 (1959-06-09) figures | 1,2,6,7, 9,10,12, 13 |

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No
PCT/EP 00/08730

| Patent document cited in search report | | Publication date | Patent family member(s) | | Publication date |
|--|---|------------------|-------------------------|------------|------------------|
| WO 9633928 | A | 31-10-1996 | AU | 696352 B | 10-09-1998 |
| | | | AU | 5393596 A | 18-11-1996 |
| | | | EP | 0827480 A | 11-03-1998 |
| US 5918767 | A | 06-07-1999 | AU | 2802795 A | 25-01-1996 |
| | | | CA | 2194224 A | 18-01-1996 |
| | | | EP | 0768982 A | 23-04-1997 |
| | | | WO | 9601224 A | 18-01-1996 |
| | | | JP | 10502251 T | 03-03-1998 |
| | | | ZA | 9505521 A | 14-05-1996 |
| US 5375740 | A | 27-12-1994 | CA | 2085996 A | 27-10-1992 |
| | | | WO | 9219389 A | 12-11-1992 |
| | | | KR | 9513988 B | 20-11-1995 |
| US 2889949 | A | 09-06-1959 | NONE | | |

| |
|-------------------|
| REC'D 24 JAN 2002 |
| WIPO PCT |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

12

| | | | |
|--|--|--|---|
| Applicant's or agent's file reference F3252 (C)/rkk | FOR FURTHER ACTION | | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No. PCT/EP00/08730 | International filing date (day/month/year) 07/09/2000 | Priority date (day/month/year) 13/09/1999 | |
| International Patent Classification (IPC) or national classification and IPC A23G3/28 | | | |
| Applicant UNILEVER PLC et al. | | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

| | |
|--|---|
| Date of submission of the demand 29/03/2001 | Date of completion of this report 22.01.2002 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized officer MARZANO MONTERO., M Telephone No. +49 89 2399 2902 |



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/08730

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):
Description, pages:

1-15 as originally filed

Claims, No.:

1-14 as originally filed

Drawings, sheets:

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/08730

- the drawings, sheets:
5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)
6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | |
|-------------------------------|-----------------------|
| Novelty (N) | Yes: Claims 1-14 |
| | No: Claims |
| Inventive step (IS) | Yes: Claims |
| | No: Claims 1-14 |
| Industrial applicability (IA) | Yes: Claims 1-14 |
| | No: Claims |

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/08730

Item V:

Reference is made to the following documents:

- D1: WO 96 33928 A (ZEELAND GREGORY RUSSELL VAN ;KELLY DAMIAN ANTHONY (AU)) 31 October 1996 (1996-10-31)
D2: US-A-5 918 767 (MCGILL SHANE ROBERT) 6 July 1999 (1999-07-06)

1. The present application does not meet the requirements of Art. 33(3) PCT because the subject matter of claim 1 cannot be considered involving an inventive step for the following reasons:
 - 1.1 Document D1 discloses an ice-cream container pack comprising a body fitted with a nozzle and a plunger, wherein the bottom edge of the body wall is directly attached to the end wall, said end wall being in the form of a truncated cone (see figure 1), the smaller and free base of which houses the extrusion nozzle and whereby a part of the end wall constitutes the support basis for the pack on the support with which the dispensing machine is provided.
 - 1.2 The container of claim 1 differs from the container of D1 only in that it has a cylindrical body. Such differentiating feature is to be considered as a normal design option and does not appear to solve any technical problem. Therefore the subject matter of claim 1 is not inventive.
2. The subject matter of independent claim 6 cannot be considered as involving an inventive step for the following reasons:
 - 2.1 Document D1, which is considered to represent the most relevant state of the art, discloses (cf. figures) a machine for the extrusion dispensing of an ice-cream product from which the subject-matter of claim 6 differs in that the pack housing comprises a support on which the truncated conical end wall of the pack is directly seated.
 - 2.2 Such feature is described in document D2 as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the machine described in document D1 thus arriving to a machine according to claim 6.
3. Having regard to the dependent claims 2-5 and 7-14, it is pointed out that the features of these claims, insofar as they are not known from documents D1 and D2

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/08730

for the same purpose as in the present application, are generally known to a person skilled in the art (see also the other documents cited in the search report). Therefore a positive International Preliminary Examination Report with regard to the subject matter of such dependent claims can only be issued if such claims refer to independent claims which meet the requirements of PCT with regards to novelty and inventive step.

Item VII:

The relevant prior art, i.e. the documents noted above, has not been acknowledged by reference and briefly discussed in the introductory part of the description (Rule 5.1.(a),(ii) PCT).

Item VIII:

Claim 6 is not clear since it tries to define the subject matter for what protection is sought by features (the pack) which do not form part of the invention (see Guidelines III 4.8a).